

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 3002 – HB 3560

April 5, 2012

SUMMARY OF AMENDMENT (016182): Prohibits a business entity or owner, manager or legal possessor of real property, or a public or private employer from establishing, maintaining, or enforcing a policy or rule that prohibits or has the effect of prohibiting a person's transportation or storage of a firearm or ammunition when the firearm or ammunition is out of sight in an attended, privately-owned motor vehicle or out of sight and locked in a trunk, glove box or container securely affixed to a privately-owned motor vehicle and the vehicle is operated or parked in a location where it is otherwise permitted to be and the person possesses a valid handgun carry permit authorized by Tenn. Code Ann. § 39-17-1351. Defines "motor vehicle" as any automobile, truck, minivan, sports utility vehicle, motorcycle, motor scooter, or any other vehicle required to be registered when operated on Tennessee highways.

Authorizes a person who is injured or incurs damages, or the survivors of a person killed as a result of violation of this subsection, to bring a civil action against an entity or person who committed or caused violation of this section. Authorizes a person denied the opportunity to transport and store a firearm under this section to file a civil action to enjoin the entity or person from violating this section. Awards courts costs and attorneys fees to the prevailing plaintiff. Absolves a business entity or person from civil liability for damages arising out of another person's actions involving a firearm or ammunition transported or stored pursuant to this section unless such owner or person intentionally solicited or procured such other person's injurious actions. Entitles an employee discharged for a violation of a policy or rule prohibited by this section to full recovery.

Specifies that the proposed legislation does not apply if the person operating the motor vehicle is prohibited from possessing, receiving, or transporting firearms under state or federal law or by any court order, including specific state statutes regarding the unlawful possession of a weapon and possession of a handgun while under the influence of drugs or alcohol; or if the motor vehicle is located in a place where firearms are expressly prohibited by federal law. Deletes the provision that it is not an offense for a nonstudent adult to possess a firearm, if the firearm is contained in a private vehicle and is not being handled, while the vehicle is on school property. Deletes from the statutory prohibition against carrying weapons on public parks or other grounds the exception relating to a person who strictly enters public property for the sole purpose of delivering or picking up passengers and who does not remove any weapon from the vehicle or utilize it in any manner.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SB 3002 – HB 3560

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- Preventing the enumerated persons or entities from maintaining or enforcing policies or rules that prohibit individuals licensed to carry from storing firearms or ammunition in a locked, personal motor vehicle, except where prohibited by applicable state or federal law, will not have a significant fiscal impact on state or local government.
- The proposed legislation could result in additional civil suits if a person is injured, incurs damages, or is killed as a result of an employer or entity's violation. Any increase in caseloads in the court system can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.
- Deleting provisions regarding misdemeanor offenses relative to carrying weapons on school property, public parks, playground, civic centers, and other public recreational buildings and grounds will not result in a significant fiscal impact to state or local governments.
- There will not be a sufficient number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/lsc